

**BEFORE THE TENNESSEE ETHICS COMMISSION**

In re:	)	No. 2008-23
	)	
TASER INTERNATIONAL,	)	
	)	
Respondent.	)	

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**ORDER FINDING GOOD CAUSE**

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This matter came on to be heard by the Tennessee Ethics Commission ("Commission") on June 24, 2008, at its regularly scheduled meeting upon Commission staff's presentation of documentation substantiating that Respondent failed timely to file a Semi-Annual Lobbying Expenditure Report ("Report") which each employer of a lobbyist is required to file pursuant to Tenn. Code Ann. § 3-6-303(a).

**FINDINGS OF FACT**

Based on the entire record in this matter, the Commission finds as follows:

1.     Registration. Taser International was registered as an employer of a lobbyist for 2007.

2.     Semi-Annual Lobbying Expenditure Report.

A.     In October 2007, Commission staff notified Taser International by electronic mail that it was required to file a Report for the period ending September 30, 2007, and that such Report was due to be filed by November 15, 2007.

B.     As of November 15, 2007, Taser International had not filed its Report for the period ending September 30, 2007.

C.     On December 5, 2007, Commission staff mailed Taser International a Notice of Failure to File Semi-Annual Lobbying Expenditure Report ("Notice") by first class mail.

D.     Taser International did not respond to said Notice and did not file its Report.

E.     Taser International timely filed its Report for the period ending March 31, 2007. On August 31, 2007, Taser International notified the Commission that it terminated the services of its lobbyist's on May 1, 2007.

F. Taser International is in possession of the Commission's manual for lobbyists and employers of lobbyists as required by Tenn. Code Ann. § 3-6-114(c), which contains the requirement of filing Reports.

G. Taser International had sufficient notice of the requirement of filing the Report for the period ending September 30, 2007, in advance of its due date of November 15, 2007.

3. Notice of violation.

A. On March 12, 2008, Commission staff sent Taser International, by certified mail, return receipt requested, a Notice that the Commission intended to consider assessment of civil penalties against Taser International at its April 22, 2008 meeting, because of its failure to file its Report by November 15, 2007 ("Show Cause Notice.")

B. The Show Cause Notice set forth the allegations, the maximum amount of civil penalties that could be assessed, the date, place, and time of the meeting, and Taser International opportunity to participate in an informal proceeding at the meeting either by appearing personally or by submitting a sworn statement and documents.

C. The Commission received a return receipt substantiating that Taser International received the Show Cause Notice on March 17, 2008.

4. Filing of Report. The Commission received Taser International Semi-Annual Lobbying Expenditure Report on April 21, 2008.

5. Showing of Cause. Taser International did submit an explanation for its failure to file its Report by November 15, 2007, in response to the Show Cause Notice. Taser stated that it terminated its relationship with its lobbyists on May 1, 2007, and, having filed the May 2007, Report inadvertently failed to file the November 2007 Report not fully understanding that the reports covered half a fiscal year and half a calendar year.

### **CONCLUSIONS OF LAW**

1. Taser International had a duty under Tenn. Code Ann. § 3-6-303(a) to file a Report for the six (6) month period ending September 30, 2007. This Report was due to be filed no later than November 15, 2007.

2. Under Tenn. Code Ann. § 3-6-306(a)(iii), the Commission may administratively assess a civil penalty of not more than twenty-five dollars (\$25.00) per day up to a maximum of seven hundred fifty dollars (\$750.00) if an employer of a lobbyist fails, without good cause, to timely file its Report.

3. Taser International did show good cause why it failed to file its Report by November 15, 2007. It explained that having terminated its lobbyists effective May 1, 2007, it inadvertently believed it did not need to file the November 2007 Report.

4. Therefore, pursuant to Tenn. Code Ann. § 3-6-303(a), no civil penalty may be imposed.

**ORDER**

It is therefore ORDERED as follows:

1. Taser International did show good cause why it failed to file its Report by November 15, 2007.

2. The Executive Director shall enter this Order.

3. The Executive Director shall cause a copy of this Order to be provided to the Respondent, by either personal service, certified mail, return receipt requested, or overnight delivery.

SO ORDERED, this 30<sup>th</sup> day of June, 2008

TENNESSEE ETHICS COMMISSION

By: \_\_\_\_\_  
Bruce A. Androphy, Executive Director